

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of:

Sanchez et al.

Patent No.: 5,635,235

Date of Patent: June 3, 1997

Serial No.: 09/753,171

For: METHODS FOR HANDLING MASA

Examiner: Arthur L. Corbin

Group Art Unit: 1794

Attn: Senior Attorney Paul Shanoski

Irvine, California

July 8, 2008

Renewed Petition Pursuant to 37 C.F.R. §1.47(a)

Mail Stop Petition
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Renewed Petition is submitted by petitioner/assignee Casa Herrera, Inc. in response to the Decision on Petition, dated March 23, 2009, which asserts that the original petition filed on July 9, 2008 (hereafter "Original Petition") did not meet elements (4) and (5) of 37 CFR 1.47(a).

Regarding the fourth requirement of 37 CFR 1.47(a), the decision notes that the Original Petition did not indicate what happened after the reissue application was sent to the non-signing inventors. Petitioner respectfully notes that the Original Petition

explains at page 3 that the reissue application was mailed to the non-signing inventors, Victor Sanchez and Alberto Ceja (via his attorney), and the result (i.e. no signatures):

Victor Sanchez and Alberto Ceja, however, have not responded by mailing back an executed *First Supplemental Reissue Application Declaration by the inventor*.

It is necessary for Applicant to make a reissue application on behalf of Victor Sanchez and Alberto Ceja because they have refused to execute the declaration.

At page 2 of the Decision, however, the USPTO seeks more detailed information regarding exactly what transpired, namely:

Were these mailings met with silence from the two non-signing joint inventors? Did each reply and indicate that he would not execute the reissue declaration that had been sent to him? Was notice received from the postal service, indicating that the deliver was either achieved or not successful for these mailings?

In response to these questions, petitioner hereby attaches notices from the postal service showing that the Express Mail letters sent to Victor Sanchez and Alberto Ceja were delivered.

As inferred by the Decision, both of these mailings were met with silence. In addition, prior to filing the Original Petition, the undersigned attorney called Alberto Ceja's attorney, Jim Lowe, and was explicitly informed that Mr. Ceja would not sign.

Petitioner has now provided proof of sending the reissue application to the non-signing inventors, proof of delivery (attached), and proof that both refused to join in the application (by virtue of their silence and, in case of Alberto Ceja, by his attorney's verbal confirmation of such refusal).

Based on the foregoing, Petitioner respectfully requests that it has fully met the fourth element of 37 CFR 1.47(a).

Regarding the fifth requirement of 37 CFR 1.47(a), the Decision asserts that the reissue declaration cannot be accepted because a chain of title to Casa Herrera, Inc. has not been established. In particular, the Decision notes that the USPTO's records do not confirm that an assignment from the inventors to an entity named Machine Masters, Inc. was recorded at reel 7069, frame **0592**.

The subsequent assignment from Machine Master's bankruptcy trustee to Casa Herrera, Inc. references the prior assignment as have been recorded at reel 7069, frame **0592**. In carefully reviewing the title documents, however, Applicant notes that the first assignment might have been better identified as having been recorded at *Reel 7069, Frame 0591* (rather than 0592), in that the recordation cover sheet was recorded at frame 0591 and the actual three-page assignment document was recorded immediately thereafter at frames 0592 to 0594.

At any rate, Petitioner hereby submits a new statement under 37 CFR 3.73(b) that references the two assignments recorded at reel 7069, frame 0591 and at reel 9950, frame 0534 and, in a belt and suspenders manner, also includes copies of both of these assignments.

Petitioner respectfully requests that it has now established a chain of title to Casa Herrera and has fully met the fifth element of 37 CFR 1.47(a).

Based on the foregoing, Applicant respectfully requests that this Renewed Petition be granted and that this application be afforded Rule 1.47(a) status with respect to non-signing inventors Victor Sanchez and Alberto Ceja.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Andras", is written over a horizontal line.

Joseph C. Andras
Registration No. 33,469
Myers Andras Sherman LLP
19900 MacArthur Blvd., Suite 1150
Irvine, CA 92612
Tel: (949) 223-9600
Fax: (949) 223-9610



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Confirmation of delivery to non-signing
inventor Victor Sanchez



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